



psychiatric evaluation where you stated that you wanted to go home because of family problems and you didn't feel suited to military life.

On 14 August 1974, you received non-judicial punishment for failure to go to your appointed place of duty. You subsequently received notice that you had been recommended for administrative separation due to unsuitability and were eligible to receive a General (Under Honorable Conditions) (GEN) discharge. You waived your right to make a statement and you requested an accelerated discharge, in lieu of awaiting final action. The Separation Authority granted your request and you were discharged, on 22 August 1974, with a GEN.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to change your discharge characterization of service and your contentions that you had problems adjusting, you were physically assaulted when you entered basic training, you served honorably, and saw some traumatic events. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO dated 21 August 2023. The AO noted in pertinent part:

The Petitioner contends that he had mental health issues and "was assaulted in boot camp." There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. He did not mention any assault during the psychiatric evaluation that took place in August 1974. He has provided no medical evidence in support of his claims. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his misconduct. Additional records (e.g., active duty medical records containing the events described by the Petitioner, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) would aid in rendering an alternate opinion.

The AO concluded, "it is my considered clinical opinion there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct could be attributed to a mental health condition."

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced your NJP, outweighed these mitigating factors. In making this finding, the Board considered your request for accelerated discharge and your statement regarding your belief that you were not suited for military life. The Board also considered the likely negative impact your misconduct had on the good order and discipline of your command.

Further, the Board noted that character of service is based, in part, on overall trait averages which are computed from marks assigned during periodic evaluations. Your trait average was 2.4. An overall trait average of 2.7 was required at the time of your separation for a fully Honorable characterization of service, as such your conduct average was insufficient to qualify for an Honorable discharge.

Additionally, the Board concurred with the AO and determined that there is insufficient evidence of a mental health condition that may be attributed to military service and there is insufficient evidence that your misconduct could be attributed to a mental health condition. As the AO noted, there is no evidence that you were diagnosed with a mental health condition in military service, or that you exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Finally, the Board noted you provided no evidence to substantiate your contentions.

As a result, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a GEN characterization. Even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/31/2023

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